

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 24637 of 2022

Arising Out of PS. Case No.-36 Year-2021 Thana- JALE District- Darbhanga

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Santosh Sahni S/o Parmeshwar Sahni Resident of Village- Malikpur, P.S.-
Jalley, District- Darbhanga.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Iqbal Asif Niazi, Adv.

For the Opposite Party/s : Mr. Uma Shankar Prasad Singh, APP

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

3 10-11-2022 Let the defect(s), if any, be removed within two
weeks from today.

Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks regular bail in connection with
Jalley P.S. Case No. 36 of 2021 lodged under Sections 376 of
the I.P.C. and 4/6 of the POCSO Act.

As per the prosecution case, the informant has alleged
that on 27.02.2021 the victim has gone to Kalwada market to
purchase grocery and while she was returning, the petitioner
forcefully lifted her on his bike and took her to Mallikpur chaur
area and made physical relationship with her. After that, the
victim started shouting due to which her co-villagers named in
the F.I.R. namely Md. Ahmad, Md. Tabraiz and Md. Taj came to

save her, seeing all the 3 persons, the said petitioner fled away from the place of occurrence.

Learned counsel for the petitioner submits that petitioner is innocent and has committed no offence. He further submits that petitioner is of clean antecedent. He submits that due to dirty village politics, petitioner's name has been figured in this case. Case diary has been called for this case and upon going through the case diary, there are 3 cogent materials that have been found. The first is that the 3 named persons of the F.I.R. have not been examined by the prosecution. As such the said event has not been supported. The second point on which the counsel for the petitioner put emphasis is that in the medical examination, the report suggests that there is no physical intercourse committed with victim. And the third point on which the learned counsel put emphasis is that, there is contradiction in the statement of the victim made under Section 164 of the Cr.P.C. and the statement made in the F.I.R.

Learned counsel for the State opposes the prayer for bail.

In the present facts and circumstances of this case and the submissions made above, let the petitioner above named, be granted bail on furnishing bail bonds of Rs.30,000/- (Rupees

Thirty thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, POCSO Act, Dharbhanga in connection with Jalley P.S. Case No. 36 of 2021, subject to the conditions as laid down under Section 437(3) of Cr.P.C.

With this observation, the bail application stands allowed.

(Dr. Anshuman, J.)

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